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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,063	12/08/2005	Aharon Hazut	7640-X05-045	9653

27317 7590 02/26/2007
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MIAMI, FL 33180

EXAMINER

NEAL, TIMOTHY J

ART UNIT	PAPER NUMBER
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3731

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/560,063

Applicant(s)

HAZUT ET AL.

Examiner

Timothy J. Neal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Currently, the Examiner has decided that no restriction requirement is necessary. However, amendments to the independent claims may be such that a burden is placed on the Examiner and independent and distinct inventions will be claimed. In such a case, a restriction will be required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 line 8 recites that the injecting an aqueous solution is optional. This renders the claim indefinite because it is not clear whether the prior art must include this step. The Examiner suggests removing "optionally" or removing the injecting step completely. All claims dependent on claim 1 are also rejected because they depend from claim 1.

Claims 2 and 11 are indefinite because the term "and/or" makes the claims unclear as to which substances should be included in the claimed invention.

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Claim 12 recites "the needle(s)" with no antecedent basis for the needle(s).

Further limitations may need to be added or the Applicant may change "the" to "a".

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

The Examiner considers claim 9 to be indefinite because the Examiner cannot determine if the recitation of "saline" is intended to mean that the saline is the component of the material that absorbs the moisture or the pigments, or if "saline" is only part of the material that absorbs the moisture or the pigments. It is unclear how saline would absorb moisture. The Examiner has interpreted the claim as if saline is a solution used with the material.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ring et al. (US 4,588,400).

Ring discloses:

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10. An adsorbent pad (11) suitable to absorb moisture from an aqueous mixture of tattoo ink.

11. An adsorbent pad as claimed in claim 10, further comprising one or more antiseptic and/or antibiotic materials (Col 8 Line 50).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Malodobry (US 2004/0111107).

Malodobry discloses:

12. A skin puncturing device comprising suction means coupled to the needle(s) (Paragraph 43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Ring et al. (US 4,588,400).

Malodobry discloses:

1. A method for removing pigments from a pigmented section of a skin, comprising: a) providing a skin puncturing device provided with at least one needle (Paragraph 46); b) puncturing the skin at said pigmented section with said skin puncturing device while said skin puncturing device contains no ink and, optionally, injecting an aqueous solution to the pigmented area during the puncturing of said skin (Paragraph 46).
4. A method according to claim 1, wherein the skin puncturing device is a tattooing device (device is capable of being used as tattoo device).
5. A method according to claim 1, wherein each of the needles attached to the skin puncturing device is solid or hollow (Paragraph 43).
6. A method according to claim 5, wherein the skin puncturing device is further provided with suction means (Paragraph 43).

Malodobry also discloses the use of a saline solution to be introduced to the skin (Paragraph 52). Malodobry does not disclose providing a pad and bandaging the skin, applying antiseptic or antibiotic materials, and wherein the pad is a solution, solid material, or a combination of the two. Ring teaches an absorbent pad used for dressing a wound including antiseptic and/or antibiotics (Example 7 and Col 8 Line 50).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Malodobry's removal method with Ring's absorbent pad. Such a modification would provide a means to absorb fluids exiting the wound including blood, ink, and other biological fluids.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malodobry (US 2004/0111107) in view of Ring et al. (US 4,588,400) further in view of Garitano et al. (US 2004/0158296).

Malodobry and Ring disclose the invention substantially as claimed as stated above. They do not disclose performing the suction of the pigments from said punctured skin with the suction means prior to the bandaging of the punctured skin and during the puncturing of said skin. Garitano teaches the suction of a solution provided for the removal of tattoos. Performing this step during the puncturing step would have been obvious to a person having ordinary skill in the art because prior to this step, there is no fluid to be suctioned. Also, performing this step prior to bandaging would have been obvious because after bandaging, the suction step would not be easily performed. Furthermore, the Examiner notes that no specific advantage was provided for the ordering of these steps so it is considered within the purview of one having ordinary skill in the art to rearrange the order of steps (see MPEP 2144.04 IV C). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Malodobry and Ring's removal steps to include Garitano's suction

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step. Such a modification would draw fluid from the tattoo to further aid in the removal of the pigments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Neal whose telephone number is (571) 272-0625. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJN


ANH TUAN T. NGUYEN
SUPERVISORY PATENT EXAMINER

2/19/07